

FILED '09 NOV 04 10:24 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MORSE E. STEWART,)

Plaintiff,)

v.)

MORTGAGE ELECTRONIC)

REGISTRATION SYSTEMS, INC.; FIRST)

HORIZON HOME LOAN)

CORPORATION; FIRST HORIZON)

NATIONAL CORPORATION FIRST)

TENNESSEE BANK; FIRST AMERICAN)

TITLE INSURANCE COMPANY,)

Defendants.)

Civil Case No. 09-687-PK

O R D E R

Morse E. Stewart
57985 Timber Road
Vernonia, Oregon 97064

Pro Se Plaintiff

Matthew R. Cleverley
McCarthy and Holthus
600 Winslow Way East #234
Bainbridge Island , Washington 98110

Attorney for Defendants

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on October 6, 2009. The court construed a letter as timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak (#21) dated October 6, 2009 in its entirety.

IT IS HEREBY ORDERED that Defendants' Motion to Strike (#26) is granted. Plaintiff's objections for a similar case, Cv 09-688-PK were incorrectly filed in this case. Defendants' Motion to Dismiss (#8) is granted. Plaintiff may file an amended complaint by December 2,

2009. If plaintiff has not filed an amended complaint by December 2, 2009, the case will be dismissed with prejudice.

DATED this 2 day of November, 2009.



GARR M. KING
United States District Judge